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MINISTRY OF LAW

(Legislative Department)

The following Acts of Parliament received the assent of the President on the 2nd December, 1963, and are hereby published for general information:—

THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) AMENDMENT ACT, 1963

No. 39 of 1963

[2nd December, 1963]

An Act further to amend the Industrial Employment (Standing Orders) Act, 1946.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Industrial Employment (Standing Orders) Amendment Act, 1963. Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In section 1 of the Industrial Employment (Standing Orders) Act, 1946 (hereinafter referred to as the principal Act),— Amendment of section 1.

(i) in sub-section (3), the second proviso shall be omitted;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

‘(4) Nothing in this Act shall apply to—

(i) any industry to which the provisions of Chapter VII of the Bombay Industrial Relations Act, 1946 apply;
or

Bombay
Act II of
1947.

(ii) any industrial establishment to which the provisions of the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 apply:

Madhya Pradesh Act 26 of 1961.

Provided that notwithstanding anything contained in the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961, the provisions of this Act shall apply to all industrial establishments under the control of the Central Government.'

Madhya Pradesh Act 26 of 1961.

Amendment of section 2.

3. In section 2 of the principal Act, for clause (a), the following clause shall be substituted, namely:—

'(a) "appellate authority" means an authority appointed by the appropriate Government by notification in the Official Gazette to exercise in such area as may be specified in the notification the functions of an appellate authority under this Act:

Provided that in relation to an appeal pending before an Industrial Court or other authority immediately before the commencement of the Industrial Employment (Standing Orders) Amendment Act, 1963, that Court or authority shall be deemed to be the appellate authority;'

Amendment of section 10.

4. In section 10 of the principal Act,—

(i) in sub-section (2), the words 'the standing orders in which shall be indicated' shall be omitted;

(ii) after sub-section (3), the following sub-section shall be inserted, namely:—

'(4) Nothing contained in sub-section (2) shall apply to an industrial establishment in respect of which the appropriate Government is the Government of the State of Gujarat or the Government of the State of Maharashtra.'

Amendment of section 11.

5. Section 11 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:—

"(2) Clerical or arithmetical mistakes in any order passed by a Certifying Officer or appellate authority, or errors arising therein from any accidental slip or omission may, at any time, be corrected by that Officer or authority or the successor in office of such Officer or authority, as the case may be."

6. After section 12 of the principal Act, the following section shall be inserted, namely:—

Insertion of
new section
12A.

"12A. (1) Notwithstanding anything contained in sections 3 to 12, for the period commencing on the date on which this Act becomes applicable to an industrial establishment and ending with the date on which the standing orders as finally certified under this Act come into operation under section 7 in that establishment, the prescribed model standing orders shall be deemed to be adopted in that establishment, and the provisions of section 9, sub-section (2) of section 13 and section 13A shall apply to such model standing orders as they apply to the standing orders so certified.

Temporary
application
of model
standing
orders.

(2) Nothing contained in sub-section (1) shall apply to an industrial establishment in respect of which the appropriate Government is the Government of the State of Gujarat or the Government of the State of Maharashtra."

7. For section 14A of the principal Act, the following section shall be substituted, namely:—

Substitution
of new sec-
tion for sec-
tion 14A.

"14A. The appropriate Government may, by notification in the Official Gazette, direct that any power exercisable by it under this Act or any rules made thereunder shall, in relation to such matters and subject to such conditions, if any, as may be specified in the direction, be exercisable also—

Delegation
of powers.

(a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification;

(b) where the appropriate Government is a State Government, by such officer or authority subordinate to the State Government as may be specified in the notification."

THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT ACT, 1963

No. 40 OF 1963

[2nd December, 1963]

An Act further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1958.

BE it enacted by Parliament in the Fourteenth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Public Premises (Eviction of Unauthorised Occupants) Amendment Act, 1963.

Amendment of section 2.

2. In section 2 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1958 (hereinafter referred to as the principal Act), ^{32 of 1958.} after clause (d), the following clause shall be inserted and shall be deemed always to have been inserted, namely:—

‘(dd) “rent”, in relation to any public premises, means the consideration payable periodically for the authorised occupation of the premises, and includes—

(i) any charge for electricity, water or any other services in connection with the occupation of the premises,

(ii) any tax (by whatever name called) payable in respect of the premises,

where such charge or tax is payable by the Central Government;’.

Amendment of section 3.

3. In section 3 of the principal Act,—

(a) in clause (a), after the words “gazetted officers of Government”, the words, brackets, letter and figure “or officers of equivalent rank of the Corporation or any committee or the authority referred to in clause (b) of section 2” shall be inserted;

(b) in clause (b), for the words “each estate officer”, the words “the estate officers” shall be substituted.

4. In sub-section (2) of section 5 of the principal Act,—

Amendment
of section 5.

(a) for the words "forty-five days", the words "thirty days" shall be substituted;

(b) the proviso shall be omitted.

5. In sub-section (2) of section 6 of the principal Act, after the words "rent or damages," the words "or costs," shall be inserted.

Amendment
of section 6.

6. In section 7 of the principal Act,—

Amendment
of section 7.

(a) in sub-section (2), the proviso shall be omitted;

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

"(3) No order under sub-section (1) or sub-section (2) shall be made against any person until after the issue of a notice in writing to the person calling upon him to show cause within such time as may be specified in the notice why such order should not be made, and until his objections, if any, and any evidence he may produce in support of the same, have been considered by the estate officer."

7. In section 9 of the principal Act,—

Amendment
of section 9.

(a) in sub-section (2), for the words "thirty days" wherever they occur, the words "fifteen days" shall be substituted;

(b) after sub-section (4), the following sub-section shall be inserted, namely:—

"(4A) The costs of any appeal under this section shall be in the discretion of the appellate officer."

8. To section 10 of the principal Act, the following words shall be added at the end, namely:—

Amendment
of section
10.

"and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act".

9. After section 10 of the principal Act, the following sections shall be inserted, namely:—

Insertion of
new sections
10A, 10B,
10C and
10D.

"10A. (1) If any person who has been evicted from any public premises under this Act again occupies the premises without authority for such occupation, he shall be punishable

Offences and
penalty.

with imprisonment which may extend to one year, or with fine which may extend to one thousand rupees, or with both.

(2) Any magistrate convicting a person under sub-section (1) may make an order for evicting that person summarily and he shall be liable to such eviction without prejudice to any action that may be taken against him under this Act.

Power to
obtain infor-
mation.

10B. If the estate officer has reasons to believe that any persons are in unauthorised occupation of any public premises, the estate officer or any other officer authorised by him in this behalf may require those persons or any other person to furnish information relating to the names and other particulars of the persons in occupation of the public premises and every person so required shall be bound to furnish the information in his possession.

Liability of
heirs and
legal repre-
sentatives.

10C. (1) Where any person against whom any proceeding for the determination of arrears of rent or for the assessment of damages is to be or has been taken dies before the proceeding is taken or during the pendency thereof, the proceeding may be taken or, as the case may be, continued against the heirs or legal representatives of that person.

(2) Any amount due to the Central Government from any person whether by way of arrears of rent or damages or costs shall, after the death of the person, be payable by his heirs or legal representatives, but their liability shall be limited to the extent of the assets of the deceased in their hands.

Recovery of
rent, etc., as
an arrear of
land revenue.

10D. If any person refuses or fails to pay the arrears of rent payable under sub-section (1) of section 7 or the damages payable under sub-section (2) of that section or costs awarded to the Central Government under sub-section (4A) of section 9 or any portion of such rent, damages or costs, within the time, if any, specified therefor in the order relating thereto, the estate officer may issue a certificate for the amount due to the Collector who shall proceed to recover the same as an arrear of land revenue."

Amendment
of section
13.

10. In section 13 of the principal Act,—

(a) in sub-section (2), after clause (b), the following clause shall be inserted, namely:—

"(bb) the distribution and allocation of work to estate officers and the transfer of any proceeding pending before an estate officer to another estate officer;"

(b) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session in which it is so laid or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.”.

11. For the removal of doubts, it is hereby declared that the amendments made by clause (a) of section 7 of this Act shall not apply to any order made under section 5 or section 7 of the principal Act before the commencement of this Act. Special provision for limitation.

R. C. S. SARKAR,

Secy. to the Govt of India,

